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MONTANA LEGISLATIVE HISTORY

Chapter 122 19 91

Bill H _____ S 80 Original bill & history ____C

H. Committee on Highways & Transportation			S. Committee on Highways & Transportation		
Hearing Date(s)	Mar 05	✓ C	Hearing Date(s)	Jan 17	✓ C
		C		Jan 22	✓ C
		C		Jan 24	✓ C
		C			C
Date Out	Mar 11	✓ C		Jan 24	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

SB 79 INTRODUCED BY FRITZ

ALLOW APPOINTMENT OF AT LEAST FIVE MEMBERS TO COUNTY MUSEUM BOARD

1/12	INTRODUCED		
1/14	REFERRED TO LOCAL GOVERNMENT		
1/14	FIRST READING		
1/22	HEARING		
2/21	TABLED IN COMMITTEE		

SB 80 INTRODUCED BY WEEDING

REVISING PENALTIES FOR OVERWEIGHT VEHICLE

BY REQUEST OF DEPARTMENT OF HIGHWAYS

1/12	INTRODUCED		
1/14	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/14	FIRST READING		
1/14	FISCAL NOTE REQUESTED		
1/17	HEARING		
1/21	FISCAL NOTE RECEIVED		
1/22	FISCAL NOTE PRINTED		
1/24	COMMITTEE REPORT—BILL PASSED		
1/25	2ND READING PASSED	49	0
1/26	3RD READING PASSED	45	1
	TRANSMITTED TO HOUSE		
1/26	FIRST READING		
1/26	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/05	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
3/13	2ND READING CONCURRED	98	2
3/14	3RD READING CONCURRED	100	0
	RETURNED TO SENATE		
3/18	SIGNED BY PRESIDENT		
3/19	SIGNED BY SPEAKER		
3/19	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 122	EFFECTIVE DATE: 10/01/91	

SB 81 INTRODUCED BY GROSFIELD, ET AL.

CLARIFY ISSUANCE OF REVISED ASSESSMENTS ON CENTRALLY ASSESSED PROPERTY

BY REQUEST OF DEPARTMENT OF REVENUE

1/14	INTRODUCED		
1/14	REFERRED TO TAXATION		
1/14	FIRST READING		
1/14	FISCAL NOTE REQUESTED		
1/17	FISCAL NOTE RECEIVED		
1/18	HEARING		
1/18	FISCAL NOTE PRINTED		
1/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/23	2ND READING PASSED	50	0
1/24	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
1/25	FIRST READING		
1/25	REFERRED TO TAXATION		
2/07	HEARING		
2/07	COMMITTEE REPORT—BILL CONCURRED		
2/09	2ND READING CONCURRED	94	0
2/11	3RD READING CONCURRED	99	1
	RETURNED TO SENATE		
2/14	SIGNED BY PRESIDENT		

JEFF MILLER, Administrator of the Income and Miscellaneous Tax Division, distributed an illustration of the camper decal procedure. (SEE EXHIBIT 5) He pointed out that in Senator Gage's Senate Bill 50 it is suggested that the Department of Revenue does not need to be in this process. What the Department of Revenue does is duplicative of what is already going on in the County Treasurer's office. He stated that the present process is just a loop of paperwork that is a whole lot of trouble for just $1.00. Mr. Miller stated they would just as soon be out of it completely. The Department of Revenue would be happy to provide a supply of camper decals to the County Treasurers.

SENATOR FARRELL asked if SB 50 passed, would the amendments to SB 46 put the Department back into it.

JEFF MILLER suggested there be some coordinating between the two bills to resolve that problem.

PAUL VERDON, Legislative Council Staff, said the coordination instructions would be no problem.

SENATOR FARRELL asked if the camper decal fee and notice are required.

JEFF MILLER said the Department of Revenue has interpreted the statute to say that the notice is something they should do but does not see that it is an absolute requirement. There are three bills that are relative to this issue, they are Senate Bills: 50, 46 and House Bill 150.

Closing by Sponsor:

SENATOR WEEDING said a grandfather date should be put in. Action should be taken on Senate Bill 46 and Senate Bill 50 at the same time.

HEARING ON SENATE BILL 80

Presentation and Opening Statement by Sponsor:

SENATOR WEEDING, Senate District 14, said Senate Bill 80 is at the request of the Highway Department. The bill would revise the penalties for operating vehicles without a special over-weight permit in violation of conditions permit.

Proponents' Testimony:

DAVE GALT, Administrator of the Gross Vehicle Weight Division, Department of Highways, supported Senate Bill 80. This bill would establish penalties for exceeding the weight on a permit that are equal to the penalties assessed on any other over weight vehicle. Under the law now, operators who violate a permitted weight are subject to a $50 to $75 standard fine. In many cases the overweight is to such an extreme that the highways suffer extreme damage. Regular overweight loads are subject to different sub-penalties. This bill is asking for equalities in the penalties accessed for overweight vehicles.

BEN HAVDAHL representing the Montana Motor Carriers Association said they support the bill. He stated that they feel that a vehicle travelling under a special permit can be overloaded inadvertently even though the permit allows an excessive weight, it can go beyond that permitted weight. It doesn't seem fair that he would only be subject to a fine of $75 if he were as much as 20,000 pounds over, where a statutory vehicle in that same situation could be subject to a fine up to $2,000.

Opponents' Testimony:

None

Questions From Committee Members:

SENATOR NOBLE asked the Highway Department how big of a problem this has presented and how often.

DAVE GALT said that last year they issued about 355 tickets for people violating their overweight permit.

EXECUTIVE ACTION ON SENATE BILL 50

Motion:

SENATOR FARRELL moved that Senate Bill 50 Do Pass.

SENATOR FARRELL moved the adoption of the amendments with the noted language change.

MOTION PASSED UNANIMOUSLY that SENATE BILL 50 DO PASS AS AMENDED.

SENATOR NOBLE moved to reconsider action on Senate Bill 50.

MOTION PASSED.

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: Jan. 17-1991

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Leck	MDOH	80	✓	
Keith Oasterline				
Ben Havdahl	MMCA	80	✓	
DAVE GALT	MDOH	80	✓	
Bud Schoen	Motor Vehicle Div.	46	neutral	
ke Hart	Harts Rv.	46	✓	
Stuart Naggett	Mt. Manufactured Housing & RV Assoc	46	✓	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 17 day of Jan, 1991.

Name: DAVID A. GATT

Address: 2930 Sunrise
Helena MT

Telephone Number: 444-6130, W - 227-7587 H

Representing whom?
Department of Highways

Appearing on which proposal?
Senate Bill 80

Do you: Support? X Amend?____ Oppose?____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXECUTIVE ACTION ON SENATE BILL 95

Motion:

SENATOR FARRELL MOVED that SENATE BILL 95 DO PASS.

MOTION PASSED UNANIMOUSLY.

SENATOR NOBLE MOVED that SENATE BILL 95 be put on the CONSENT CALENDAR.

MOTION PASSED UNANIMOUSLY.

Discussion:

None.

EXECUTIVE ACTION ON SENATE BILL 80

Motion:

Executive Action was postponed until January 29, 1991, pending further information from Dave Galt.

Discussion:

The Committee discussed Senate Bill 80 and the fiscal note attached. They requested that Dave Galt, GVW, be present on January 29 to answer questions from the Committee before taking action.

ADJOURNMENT

Adjournment At: 2:00 p.m.

SENATOR CECIL WEEDING, Chairman

PAT BENNETT, Secretary

CW/pb

HI012291.SM1

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR HARP asked Wayne Budt about the second party who was interested in the ability to bid on a contract with OFI and the requirements for the ability to bid on this contract was a permit the PSC offers, but before the guy could qualify he had to have this permit.

WAYNE BUDT stated that anyone can bid, but before he could operate he would have to have a PSC permit.

SENATOR NOBLE asked if this legislation had been in place prior to this bid mentioned, what would have been the outcome of the bid?

WAYNE BUDT stated that the outcome would have been exactly the same. This is just clarifying what the statute said before. It does not change the content of the statute.

PAUL VERDON, Legislative Council Staff, stated that he recently drafted a bill for a member of the House which amends this same section of the law to allow that privilege in Subsection B, allowing solid waste to be transported under contract with a refuse disposal district. If that bill proceeds through the House and the Senate, will there be a need to coordinate the two.

WAYNE BUDT said he didn't think they would need to coordinate the two bills. If the amendment goes back on and this bill passes, you would need to add solid waste district along with the state government contract.

JOE ROBERTS, representing Howard Roberts and Sons, stated he did not appear as a proponent to this legislation, but rather to inform the Committee about the other bill which will amend this same section which will add "USDA Donated Food Commodities" in that exemption. As the law stands now, you can have the bidding process, but there is still only one authority who gets in.

Closing by Sponsor:

SENATOR REA closed the hearing on Senate Bill 101.

EXECUTIVE ACTION ON SENATE BILL 80

Motion:

SENATOR NOBLE MOVED that Senate Bill 80 DO PASS.

Discussion:

DAVE GALT, GVW, Department of Highways, explained the permitting system.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that SENATE BILL 80 DO PASS.

ADJOURNMENT

Adjournment At: 2:45 p.m.

SENATOR CECIL WEEDING, Chairman

PAT BENNETT, Secretary

CW/pb

there are 9 officers in the state that are qualified to drive this vehicle, and do not want to accept the financial burden of purchasing a commercial license. It is not a wise expenditure for the state's finest to purchase the commercial driver's license for them. The police emergency response units, various cities and counties throughout the state, have developed a tactical unit of vans and buses to go to the emergency responses. These vehicles fall under the commercial vehicle licensing law. When they have to respond to an emergency situation, they cannot find a person with commercial license to drive the vehicles. He said this exemption would help them in both safety education and in an emergency response situation.

Opponents' Testimony: None

Questions From Committee Members:

REP. STEPPLER asked **SEN. BECK** why the vans and busses are considered commercial vehicles. **SEN. BECK** said the because of their size. The definition of a commercial vehicle that is written in the law states that any vehicle over 26,000 lbs. is considered commercial. **REP. STEPPLER** asked if that was the educational vehicle. **SEN. BECK** said yes. **REP. STEPPLER** asked if the rest of the vehicles are considered in that category also. **SEN. BECK** said yes. He said that Missoula has a bus that seats 15 people and is considered commercial. Helena is developing a unit that he was sure would fall under the commercial vehicle license requirement.

REP. FELAND asked **SEN. BECK** if all farm vehicles over 26,000 lbs. that are considered commercial, are exempt from the law. **SEN. BECK** said he thought so.

Closing by Sponsor:

SEN. BECK asked the committee to consider this piece of legislation. It is important that these vehicles be exempt from the commercial licensing law.

HEARING ON SB 80

Presentation and Opening Statement by Sponsor:

SEN. CECIL WEEDING, Senate District 14, Jordan, said this bill is at the request of the Montana Highway Department. It asks for the penalties applied in violation of the weight limits that are granted under an overweight permit be not less than that which would have been applied had there not been any overweight permit in the first place. The penalty schedule goes from a $30 minimum to $2,000 maximum if a person was 25,000 lbs. overweight. The penalty for overweight when a person has an overweight permit is about $75. He said there is quite a loophole if the vehicle is going to be overloaded and that person will only have the maximum penalty of $75. He said the penalty should be no less for a

person that has a permit for overweight than the person that is in violation that doesn't have an overweight permit.

Proponents' Testimony:

Dave Galt, Administrator, Gross Vehicle Weight Division, said the Highway Department is in support of HB 80. This bill will establish penalties for those exceeding the weight on a permit that would be equal to the penalties excessed on any overweight load. Currently, any operator that violate permitted weights are subject to a $75 fine. In most cases, the overweight is in such an extreme that the highways suffer extreme damage. Regular overweight loads could be fined as much as $2,000. He said all the department asks for with this bill is equality between the fines for permitted normal overweight loads and fines for those that are not permitted.

Ben Havdahl, Montana Motor Carriers Association, wanted to be recorded in favor of HB 80. He said it is an equity bill. A statutory vehicle that exceeds the weight limits is subject to the fines in the schedule of the bill. The permitted vehicles violating the weight limits should be subject to nothing less than that.

Opponents' Testimony: None

Questions From Committee Members:

REP. STEPPLER asked **Mr. Galt** if the fines for permitted overweight vehicles is new. **Mr. Galt** said if a permit is given for an overweight load of 50,000 lbs on each set of axles and that vehicle weighs at a weigh station with a weight of 70,000 lbs on each axle, they can issue a fine under the 61-10-146, which is $70. He said if the vehicle is 25,000 lbs over the permitted weight, the GVW would calculate how much is over from what was allowed. The fine would be assessed on how much was overweight based on the schedule. **Mr. Galt** said the intention of the department is to fine the person under the overweight schedule, but not fine them twice.

Closing by Sponsor:

SEN. WEEDING said the $75 penalty is gone. A person will be fined under the basis of the schedule. There will not be a duplication of overweight fines, but other penalties for violating the permit.

EXECUTIVE ACTION ON SB 80

Motion: **REP. ELLIS MOVED SB 80 BE CONCURRED IN.**

Discussion: **REP. CLARK** said the $75 fine has been changed to read the same as schedule 146.

CHAIRMAN STANG said he thought it was the part that was scratched out of 61-10-124 number 4, and was placed in number 6.

REP. CLARK said schedule 146 is the penalty section.

Ms. Lane said on page 5 of the bill, there is reference to existing law, 61-10-124 sub (4), has been changed to subsection (6). The $75 fee was removed by changing subsection 4 to subsection 6.

REP. STEPPLER said he cannot see where the $75 fee has gone. By reading subsection 4, it is still there. **Ms. Lane** said the $75 is a permit fee. She did not know where **SEN. WEEDING** received the figure of a $75 fine that would not be in effect.

CHAIRMAN STANG asked **REP. CLARK** if there are fine schedules that are set up in rules that aren't necessarily set up in the laws for i.e., speeding fines, but not set up in statutes for the law enforcement so the fines are consistent. **REP. CLARK** said the law enforcement uses a bond schedule. The fee schedule they use are for trucks.

CHAIRMAN STANG said the loggers in his area use cranes with a permit system that allows them to do a self-issuing permit. They have a book of permits that they can issue for themselves. As long as they are within their bridge formula that has been set for them and all their axles are within the correct weight, that permit is good to back and forth on that road as long as they want. As long as they pay the permit there is no fine. Under this bill, another 10,000 lbs will cost them an extra $250.

Motion/Vote: **REP. KNOX** called the question. Roll call vote was taken. EXHIBIT 1

Vote: **SB 80 BE CONCURRED IN.** Motion **CARRIED** 10 to 5.

HEARING ON SB 91

Presentation and Opening Statement by Sponsor:

SEN. TOM KEATING, Senate District 44, Billings, said this bill is the result of an audit in the highway safety traffic administrator's office. It was determined in the audit with the changes in the law there wasn't any provision remaining in the codes for the appointment of an highway safety traffic administration in the event anything happened to the current administrator. Previously, the board was able to appoint an administrator, that provision had been removed from the law and was not replaced. Currently, the Governor has the legal right to appoint administrators for various purposes. SB 91 establishes that the Governor may appoint a new administrator when it becomes necessary for this particular program.

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL DATE 3-5-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FLOYD "BOB" GERVAIS, V.-CHAIR			
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. JANE DEBRUYCKER	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER			✓
REP. PATRICK GALVIN	✓		
REP. DICK KNOX	✓		
REP. DON LARSON	✓		
REP. SCOTT MCCULLOCH	✓		
REP. JIM MADISON	✓		
REP. LINDA NELSON	✓		
REP. DON STEPPLER	✓		
REP. HOWARD TOOLE	✓		
REP. ROLPH TUNBY	✓		
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		

HOUSE STANDING COMMITTEE REPORT

March 11, 1991

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 80 (third reading copy -- blue) be concurred in .

Signed: _____
Barry Stang, Chairman

Carried by: Rep. Ellis

EXHIBIT 1
DATE 3-5-91
~~HB~~ SB 80

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 3-5-91 BILL NO. SB 80 NUMBER

MOTION: Rep. Ellis Move SB 80 Be Concurred in. Motion Carried 10-5

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN		
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK	✓	
REP. JANE DEBRUYCKER		✓
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND		✓
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX	✓	
REP. DON LARSON		
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON	✓	
REP. LINDA NELSON		✓
REP. DON STEPPLER		✓
REP. HOWARD TOOLE	✓	
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓	
TOTAL	10	5

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Hiways COMMITTEE BILL NO. SB 80

DATE 3.5.91 SPONSOR(S) Sen. Weeding

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dave Galt	DOH	✓	
Ben Havdahl	MMCA	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.